

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM
AUG - 2 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-01-00126-002

DATE: 08/02/2005

HON. CONSUELO B. MARSHALL, Designated Judge, Presiding
Court Reporter: Wanda Miles
Hearing Electronically Recorded: 11:25:03 -12:02:14

Law Clerk: NONE PRESENT
Courtroom Deputy: Virginia T. Kilgore
CSO: J. McDonald

TIME: 11:25 a.m.

***** APPEARANCES *****

DEFT: SOLEDAD SANTOS SILVERIO
(X) PRESENT () CUSTODY (X) BOND () P.R.

ATTY: JOAQUIN C. ARRIOLA, JR.
(X) PRESENT () RETAINED (X) FPD () CJA APPOINTED

U.S. ATTORNEY: FRED BLACK

AGENT:

U.S. PROBATION: CARLEEN BORJA

U.S. MARSHAL: S. LUJAN

() ARGUMENT FOR A DOWNWARD DEPARTURE BY THE ___ GOVERNMENT ___ DEFENSE ___ GRANTED
COURT DEPARTS TO A LEVEL ___ FROM A LEVEL ___

() ARGUMENT FOR AN UPWARD DEPARTURE BY THE ___ GOVERNMENT ___ DEFENSE

() COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS _____
Base offense level: Total offense level: 23 Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:
Requested the Court to sentence his client to a term of probation. Requested for a judicial recommendation of Southern California and for Defendant to self-surrender 60 days from today to the U.S. Marshal in Guam. No objection.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:
Government moved for a downward departure to a level 13 and recommended a sentence of 12 months imprisonment. GRANTED.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Government and Defense counsel had no objections to the presentence report.

- (X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF 12 MONTHS AND ONE DAY WITH CREDIT FOR TIME SERVED (13 DAYS). WHILE IMPRISONED, THE DEFENDANT SHALL PARTICIPATE IN A SUBSTANCE ABUSE PROGRAM APPROVED BY THE BUREAU OF PRISONS.
- (X) DEFENDANT SHALL SELF-SURRENDER TO THE U.S. MARSHAL OFFICE IN GUAM ON OCTOBER 3, 2005 AT 12 NOON. IF DESIGNATION IS RECEIVED AFTER OCTOBER 3, 2005, COUNSEL SHALL STIPULATE AND SUBMIT TO THE COURT A DATE UPON WHICH DEFENDANT SHALL SELF-SURRENDER TO THE U.S. MARSHAL OFFICE IN GUAM.
- (X) COURT RECOMMENDATION TO THE BUREAU OF PRISONS AT SOUTHERN CALIFORNIA.
- (X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF FIVE YEARS.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL OBEY ALL FEDERAL, STATE AND LOCAL LAWS.
2. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE.
3. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
4. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES.
5. DEFENDANT SHALL REFRAIN FROM THE USE OF ANY AND ALL ALCOHOLIC BEVERAGES.
6. DEFENDANT SHALL SUBMIT TO ONE URINALYSIS TEST WITHIN 15 DAYS OF RELEASE FROM CUSTODY AND, TO TWO MORE URINALYSIS THEREAFTER.
7. DEFENDANT SHALL PARTICIPATE IN A PROGRAM APPROVED BY THE U.S. PROBATION OFFICE FOR ASSESSMENT AND TREATMENT OF NARCOTIC ADDICTION OR DRUG OR ALCOHOL DEPENDENCY WHICH WILL INCLUDE TESTING FOR THE DETECTION OF SUBSTANCE USE OR ABUSE. IT IS FURTHER RECOMMENDED THAT THE DEFENDANT MAKE A CO-PAYMENT FOR TREATMENT AT A RATE TO BE DETERMINED BY THE U.S. PROBATION OFFICE.
8. DEFENDANT SHALL OBTAIN AND MAINTAIN GAINFUL EMPLOYMENT
9. DEFENDANT SHALL PERFORM 200 HOURS OF COMMUNITY SERVICE AS APPROVED UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$100.00 TO BE PAID IMMEDIATELY AFTER SENTENCING.

PURSUANT TO SECTION 5E1.2(f) OF THE GUIDELINE RANGE, ALL FINES ARE WAIVED SINCE IT HAS BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HER APPEAL RIGHTS.